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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JONES, MARCUS D

ART UNIT

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3717

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,345	Applicant(s) INUBUSHI ET AL.	
	Examiner Marcus D. Jones	Art Unit 3717	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 18 January 2011 in response to the previous Non-Final Office Action (1 October 2010) is acknowledged and has been entered.

Claims 1-4 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (US 5,212,368), and further in view of Weisman (US PGPub 2003/0071414).

In reference to claim 1, Hara discloses: A game system for playing a battle game in which a character which is an operation target of a player and an opponent make an attack on each of other based on information recorded in a character card and an attack

Art Unit: 3717

content card, the card game system comprising: a reading device configured to read the information recorded in the character card and the attack content card (col 2, ln 31-33, *The card reader unit is operable to read game parameter data stored in this embodiment as a bar code card*); a character information storage device configured to store character information that is information about offensive abilities of the character in association with character identification information for identifying a type of the character, an attack content information storage device configured to store information about a degree of difficulty of an attack, content of the attack, and attack information including a magnitude of the attack on the opponent made according to the attack content in association with attack content identification information for identifying a type of the attack content; a control information storage device configured to store attack control information set based on the information about the offensive abilities and the information about the degree of difficulty in association with the character identification and the attack content identification information, wherein the character identification information is stored in the character card corresponding to the character identification information, and wherein the attack content identification information is stored in the attack content card corresponding to the attack content identification information (col 2, ln 58-col 3, ln 16, *The plurality of different cards include player cards and condition cards. A player card has a visual representation of a character soldier, and a bar code which stores game parameter data for that character soldier. The game parameter data for each character soldier includes power data, offensive data and defensive data corresponding to the power, offensive strength and defensive strength, respectively, of*

Art Unit: 3717

the character soldier. The condition cards include power cards, weapon cards and protector cards. The power cards are used to modify the game parameter data of a particular character soldier by enhancing or detracting from the power data included within the parameter data for the particular character soldier. Each power card also includes a visual representation of an object. For example, one of the power cards includes a picture of a battery. Likewise, the weapon cards are used to modify the offensive data included within the game parameter data for a particular character soldier. Each weapon card includes a visual representation of an object. For example, one of the weapon cards includes a picture of a hammer. Similarly, the protector cards are used to enhance or detract from the defensive data included within the game parameter data for a particular character soldier. Each of the protector cards also includes a visual representation of an object. For example, one of the protector cards includes a picture of a toothbrush.); the card game system further comprising: a character setting device configured to set, when the character identification information stored in the character card is read by the reading device, the character identification information as the operation target (col 3, ln 42-44, *player 1 may elect to operate the battle key to initiate an attack on player 2*); an attack control device configured to read, when the attack content identification information stored in the attack content card is read by the reading device after the character identification information is set by the character setting device, the attack control information associated with the attack content identification information and character identification information set as the operation target from the control information from the control information storage device,

Art Unit: 3717

to read the magnitude of the attack associate with the attack content identification information from the attack content information storage device, and to control the magnitude of the attack based on the attack control information, a control information update device configured to read, when the specific conditions correlated to the character identification information and the attack content identification information are satisfied, the attack control information associated with the character identification information and the attack content identification information correlated to the specific conditions from the control information storage device to change a content of the attack control information, and to update the content of the attack control information to the changed content of the attack control information (col 6, ln 7-14, *a condition amount included within the game parameter data of condition card is displayed in the opposite of the fields 4f, 4f' to the power data which is affected by the condition. The calculation unit changes the game parameter data for either player in accordance with the condition amount included within the game parameter data of the condition card. And col 3, ln 38-42, If a player decides to depress the power key, the calculation unit determines an amount of power data to be added to the existing power data displayed on the display unit.*); a result device configured to obtain a status result that can influence the opponent according to the magnitude of the attack controlled by the attack control device (col 3, ln 44-47 and col 6, ln 28-33, *the calculation unit determines whether a hit or miss occurred and, when a hit occurs, calculates the amount of damage to be deducted form the power data of the other player and an on-target decision unit of the calculation unit determines whether a hit or miss occurred . The determination may be*

Art Unit: 3717

based upon the offensive data of the offensive player and the defensive data of the defensive player or a predetermined ratio of hits to misses.).

Hara does not specifically disclose specific conditions correlated to the character information and attack content information. Weisman teaches in a related trading card game, there are special colored blocks on each warrior's trading card 8 that show through the stat slot 48 in the game piece base 10. These colors represent special abilities that warrior 4 has while they are displayed. There are four areas in which a player can find colored blocks representing the warrior's special abilities. These four areas are: 1) behind the move value, 2) behind the attack value, 3) behind the defense value, and 4) behind the damage value through the stat slot 48 on the warrior's game piece base 10. Descriptions of these special abilities appear on the MAGE KNIGHT REBELLION Special Abilities Card, an example of which is shown in FIG. 10. If a special ability is described as optional, the owning player decides if the ability is, or is not, used for the turn (pg 4, par 46 and Figure 10).

Each warrior's game piece 4 and/or printed information 8 contains important information. This information includes the warrior's: a) name, b) point value (1-50), c) rank (weak, standard, tough), d) front arc (white), e) rear arc (gray), f) collector's number (1-160), g) faction symbol, and h) combat values. Each warrior's base also has a stat slot (to see numbers on the printed information 8). If a warrior 4 does not have a rank, then it is a unique figure 80. Each warrior 4 has five combat values, four that change during the game and one that stays the same. The four values that change are speed, attack, defense, and damage and are included on the printed information 8. These four

Art Unit: 3717

values can be seen through the warrior's stat slot 48. The fifth value, range, never changes and is printed on the base 10 or the printed information 8. Here the character identification information (rank) and attack information (combat number) correlate to an individual trading card.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Hara's battle game with the unique character abilities of Weisman in order to simulate a real battle where each person has a special skill set.

In reference to claim 2, Hara and Weisman disclose the invention substantially as claimed. Hara further discloses that the calculation unit changes the game parameter data for either player in accordance with the condition amount included within the game parameter data of the condition card (col 6, ln 10-14). Hara also discloses that the game unit prompts an operator to insert a card at an appropriate time during game play (col 4, ln 3-6).

In reference to claim 3, Hara and Weisman disclose the invention substantially as claimed. Hara further discloses If a player decides to depress the power key, the calculation unit determines an amount of power data to be added to the existing power data displayed on the display unit.(col 3, ln 38-42).

In reference to claim 4, Hara and Weisman disclose the invention substantially as claimed. Hara further discloses that the power cards are used to modify the game parameter data of a particular soldier by enhancing or detracting from the power data included within the parameter data for the particular character soldier. Likewise the

Art Unit: 3717

weapon cards are used to modify the offensive data for a particular character soldier (col 3, ln 1-8).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

5. With regard to claim 1, the Applicant asserts that Hara in view of Weisman fails to teach or suggest, "changing a content of attack control information when specific conditions correlated to character identification information and attack content identification information are satisfied "

6. The Examiner respectfully disagrees.

7. Weisman teaches If a special ability is described as optional, the owning player decides if the ability is, or is not, used for the turn (pg 4, par 46). Weisman further teaches Each warrior 4 has five combat values, four that change during the game and one that stays the same. The four values that change are speed, attack, defense, and damage and are included on the printed information 8. These four values can be seen through the warrior's stat slot 48. The fifth value, range, never changes and is printed on the base 10 or the printed information 8. Here the character identification information (rank) and attack information (combat number) correlate to an individual trading card (pg 3, par 38).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3717

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3717

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717